

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK WALSH,

Petitioner,

v.

JAMES PETRUCCI, Acting Warden,
Metropolitan Correctional Complex – New
York, CITY OF NEW YORK

Respondents.

ORDER DENYING PETITION
FOR HABEAS CORPUS

19-cv-10068 (AKH)

USDC-19-10068
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DOC#
DATE 11/13/2019

ALVIN K. HELLERSTEIN, U.S.D.J.:

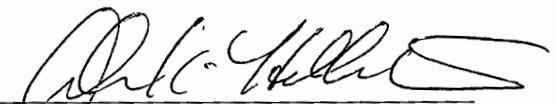
The petition is denied as premature.

A deposition in New York Supreme Court is scheduled by notice (CPLR 3102(b), 3107) or court order (CPLR 3124). A scheduling order is not an order to take a specific deposition. A petition to the district court to order a prisoner in federal custody to be produced for deposition can be considered after proper state procedure to take a deposition is shown.

Furthermore, there has been no showing that a deposition of plaintiff at this point is a reasonable method of acquiring information. Plaintiff's counsel can obtain plaintiff's declaration, and interrogatories to the City of New York can uncover the proper individuals to sue.

SO ORDERED.

Dated: November 13, 2019
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge